

State of Vermont

House of Representatives



Montpelier, Vermont

Joint House Resolution

J.R.H. 11

Joint resolution approving a land exchange or sale in the town of Plymouth and a land transfer in the town of Grand Isle

Offered by: Committee on Corrections and Institutions

Whereas, 10 V.S.A. § 2606(b) authorizes the Commissioner of Forests, Parks and Recreation to exchange or lease certain lands, with the approval of the General Assembly, and

Whereas, the General Assembly considers the following actions to be in the best interest of the State, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly authorizes the Commissioner of Forests, Parks and Recreation:

First: If a 78-acre parcel, which is currently a private inholding in the Arthur Davis Wildlife Management Area in the town of Plymouth (the inholding parcel), is available for Markowski Excavation to purchase and to exchange, to enter into an exchange with Markowski Excavation in which the Department of Forests, Parks and Recreation (Department) shall convey a 38-acre portion of Coolidge State Forest (Coolidge parcel), also in the town of Plymouth, to Markowski Excavation in exchange for Markowski Excavation's conveying the inholding parcel to the State of Vermont. If this exchange of land is entered into, the inholding parcel shall be added to the Arthur Davis Wildlife Management Area.

Any exchange of state forestland with Markowski Excavation shall be contingent on the following: (1) the Coolidge parcel conveyed to Markowski Excavation shall not include any land that, in the opinion of the Agency of Natural Resources, includes important wildlife habitat, ecological or other significant natural resources, or outdoor recreation values; (2) the Department shall hold a public meeting in the town of Plymouth on this proposal and gain the support of the Plymouth Selectboard for the exchange; (3) an independent appraiser shall determine the value of the exchange parcels; (4) the Department and Markowski Excavation shall enter into an agreement for the Department to obtain 10,000 cubic yards of crushed stone from Markowski Excavation at no cost for an agreed-upon period of time, 5,000 cubic yards of which shall be made available to the Department immediately upon the conveyance of the

Coolidge parcel to Markowski Excavation, with the remaining 5,000 cubic yards of material to become available to the Department upon Markowski Excavation's receipt of all necessary permits for development of the Coolidge parcel; (5) upon the Department's conveyance of the Coolidge parcel, Markowski Excavation shall convey to the Department a permanent access easement providing access from Route 100, across lands of Markowski Excavation, to adjacent state forestland located in the Calvin Coolidge State Forest; (6) the conveyance of the Coolidge parcel to Markowski Excavation shall be subject to restrictions that ensure that a 100-foot undeveloped buffer is retained around the perimeter of the parcel that abuts state forestland; (7) Markowski Excavation shall be responsible for all associated costs, including appraising, surveying, permitting, and legal; (8) Markowski Excavation shall be responsible for securing all permits and approvals necessary for any subsequent development of the Coolidge parcel; and (9) authorization to enter into this exchange shall not be interpreted as state approval of any development proposal for the Coolidge parcel.

Second: If the inholding parcel is not available, to sell the Coolidge parcel to Markowski Excavation for the sum of \$150,000.00, contingent on conditions (1), (2), (4), (5), (6), (7), (8), and (9) as set forth in the first section of this Resolved clause, and the following additional conditions:

(1) notwithstanding the provisions of 29 V.S.A. § 166(b), the Department of Buildings and General Services may sell the Coolidge parcel to Markowski Excavation; (2) the Department of Buildings and General Services shall be reimbursed for all costs incurred; and (3) pursuant to 29 V.S.A. § 166(d), the General Assembly authorizes the Department of Forests, Parks and Recreation to use the net proceeds of this transaction to cover all of its expenses associated with the sale of this property with the balance to be deposited in the Department of Forests, Parks and Recreation's Land Acquisition Account.

Third: To convey for public outdoor recreational purposes to the town of Grand Isle a parcel of up to 23.4 acres of Grand Isle State Park, currently licensed to the town of Grand Isle. Any conveyance of this parcel to the town shall be contingent on the following: (1) the town of Grand Isle shall not further subdivide or convey the parcel to another party, or develop or use the parcel for any purposes other than public outdoor recreational purposes; (2) the State shall retain a reversionary interest in the parcel, and the parcel shall revert to state ownership should the parcel not be used for public outdoor recreational purposes; (3) the conveyance to the town of Grand Isle shall include any covenants or deed restrictions the Vermont Division for Historic Preservation deems necessary to protect potential historic or archeological resources on the transferred parcel; (4) the National Park Service shall approve this conveyance; (5) the transfer to the town of Grand Isle shall include all responsibilities for this parcel that are associated with the federal Land and Water Conservation Fund program; and (6) the town of Grand Isle shall be responsible for all associated costs of the exchange, including surveying, permitting, and legal.